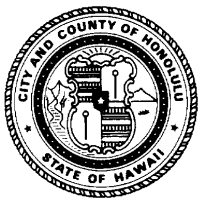


Pursuant to Mayor Kirk Caldwell's Emergency Order No. 2020-25 which goes into effect at 12:00 a.m. August 27, 2020, and in an abundance of caution and concern for public health and safety, remote in-person testimony at the Mission Memorial Auditorium has been cancelled for the Committee on Zoning, Planning & Housing committee meeting scheduled for 9 a.m. on Thursday, August 27, 2020.

Persons may submit oral testimony remotely through the Webex platform. To participate, persons should visit [www.webex.com](http://www.webex.com), click "Join," enter meeting number 1465364789 and complete the registration process.

Registrants will receive an email that contains links and information on joining the meeting by either phone or video conference. Remote testimony on all agenda items will be taken at the start of the agenda and then closed.



# CITY COUNCIL

CITY AND COUNTY OF HONOLULU  
HONOLULU, HAWAII 96813-3077

## COMMITTEE ON ZONING, PLANNING AND HOUSING

---

### Voting Members:

Ron Menor, Chair  
Tommy Waters, Vice Chair  
Brandon J.C. Elefante  
Ann C. Kobayashi  
Joey Manahan

---

## AGENDA

### REGULAR MEETING CITY COUNCIL CHAMBER THURSDAY, AUGUST 27, 2020 9:00 A.M.

### PUBLIC PARTICIPATION AND TESTIMONY

Pursuant to the Tenth Proclamation issued by Governor David Ige on July 17, 2020, relating to the COVID-19 pandemic, in order to allow public participation in a manner consistent with social distancing practices the following procedures are in effect for the meeting:

### VIEWING THE MEETING AND RESTRICTIONS ON ENTRY

**Members of the public will not be allowed into the meeting room, but may view the meeting on a live broadcast.** The meeting will be viewable: (1) on the projection screen situated in the Mission Memorial Auditorium, 550 South King Street, immediately Diamond Head of Honolulu Hale; (2) by internet live streaming through [www.honolulucitycouncil.com](http://www.honolulucitycouncil.com) and <http://olelo.granicus.com/MediaPlayer.php?publishid=92>; and (3) by televised live broadcast on Olelo TV Channel 54.

Members of the public gathered inside and outside the Mission Memorial Auditorium shall comply with the Safe Practices and Social Distancing Requirements set forth, respectively, in Governor Ige's Tenth Proclamation dated July 17, 2020; and Mayor Kirk Caldwell's Emergency Order No. 2020-24 effective August 20, 2020. In particular, persons shall wear face coverings and maintain a minimum six-foot distance from other members of the public and City staff.

After the meeting, the meeting will be viewable on demand at <http://www.honolulucitycouncil.tv/>. Copies of older meeting videos may be requested by calling the City Clerk's Office at 768-5822; charges may apply.

Some Councilmembers and presenters may be participating in the meeting by interactive conference technology from remote locations.

### ORAL TESTIMONY

Oral testimony will be permitted on all items on the agenda, subject to the following restrictions:

Committee on Zoning, Planning and Housing Agenda  
Thursday, August 27, 2020

1. Persons may submit oral testimony remotely at the Mission Memorial Auditorium. Testifiers are requested to register by 9:00 a.m. as follows:
  - a. On-Line at <http://www.honolulu.gov/ccl-testimony-form.html>;
  - b. By faxing to 768-3827 your name, phone number, and agenda item or items; or
  - c. By calling 768-3825.

In-person registration is not available.

Persons who have not registered to testify by 9:00 a.m. will be given an opportunity to speak on an item following oral testimonies of the registered speakers.

2. Persons also may submit oral testimony remotely through the Webex internet platform. To participate, persons should visit [www.webex.com](http://www.webex.com), click "Join," enter meeting number 1465364789, and complete the registration process. Registrants will receive an email that contains links and information on joining the meeting by either phone or video conference. Webex testifiers are strongly encouraged to register at least 24 hours before the start of the meeting.
3. Each speaker will be limited to a one-minute presentation.

### **WRITTEN TESTIMONY**

Written testimony may be faxed to 768-3827 or transmitted via the internet at <http://www.honolulu.gov/ccl-testimony-form.html> for distribution at the meeting. If submitted, written testimonies, including the testifier's address, email address and phone number, will be available to the public on both the City's Council's pilot website: [www.honolulucitycouncil.com](http://www.honolulucitycouncil.com) as well as the City's legacy DocuShare Website. Written testimony will not be accepted in person at the meeting.

\* \* \* \* \*

### **MATERIALS AVAILABLE FOR INSPECTION**

Meeting materials ("*board packet*" under HRS Section 92-7.5) are accessible at [www.honolulucitycouncil.com](http://www.honolulucitycouncil.com) by clicking on the link for each item on the online agenda for the meeting.

Accommodations are available upon request to persons with disabilities. Please call 768-3825 or send an email to [potto1@honolulu.gov](mailto:potto1@honolulu.gov) at least three working days prior to the meeting.

**FOR ACTION**

1. **RESOLUTION 20-174 – IPD-T PROJECT FOR KCR DEVELOPMENT (2019/SDD-79).** Approving a conceptual plan for an Interim Planned Development-Transit Project to redevelop 56,250 square feet of land with a mixed-use residential and commercial project in the Ala Moana neighborhood on land zoned BMX-3 Community Business Mixed-Use District, located at 1659, 1661, 1663, 1665, 1667, 1673, 1677, 1679, and 1681 Kapiolani Boulevard and 1646 Kona Street, and identified as Tax Map Key(s) 2-3-041: 003 and 004. (Applicant: Evershine III LP) (Transmitted by Communication D-504 [2020]) (Current deadline for Council action 9/8/20)
2. **RESOLUTION 20-187 – SMP FOR AVIARY EXHIBIT AT THE HONOLULU ZOO (2020/SMA-15).** Granting a Special Management Area Use Permit for a new coastal wetlands aviary exhibit at the Honolulu Zoo on approximately 0.78 acres of land zoned P-2 General Preservation District, located at 151 Kapahulu Avenue and identified as a portion of Tax Map Key 3-1-043: 001. (Applicant: City and County of Honolulu, Department of Design and Construction) (Transmitted by Communication D-540 [2020]) (Current deadline for Council action 10/4/20)

PROPOSED CD1 TO RESOLUTION 20-187 (Submitted by Councilmember Menor) – The CD1 (OCS2020-0799/8/20/2020 2:39 PM) makes the following amendments:

- A. Adds a second WHEREAS clause to describe the proposed Project.
- B. In the fifth WHEREAS clause, adds August 5, 2020, as the date the Council received the DPP's findings and recommendation by Departmental Communication 540 (2020).
- C. In Condition D, clarifies that natural trees must be used instead of the proposed tree-like shade structures in the front of the exhibit.
- D. In Condition E, clarifies that the Division of Urban Forestry is a part of the Department of Parks and Recreation.
- E. Makes miscellaneous technical and nonsubstantive amendments.

3. **RESOLUTION 20-188 – REQUESTING EXEMPTIONS FROM DEVELOPMENT REGULATIONS PURSUANT TO CHAPTER 201H-38, HAWAII REVISED STATUTES FOR HALAWA VIEW APARTMENTS AFFORDABLE HOUSING PROJECT.** Granting exemptions from certain requirements relating to the Halawa View Apartments Affordable Housing Project on about 3.11 acres of land located at 99-009 Kalaloa Street, Halawa, Oahu, Hawaii and identified by Tax Map Key 9-9-003: 026.. (Applicant: Halawa View Housing Partners LP) (Transmitted by Communication D-542 [2020]) (Current deadline for Council action 9/19/20)

PROPOSED CD1 TO RESOLUTION 20-188 (Submitted by Councilmember Menor) – The CD1 (OCS2020-0798/8/20/2020 3:15 PM) makes the following amendments:

- A. In the first WHEREAS clause, adds reference to the Project address, Project site zoning, and Exhibits A through M, attached to the resolution.
- B. In the second WHEREAS clause, clarifies that:
  - 1. The first Project tower will be developed in Phases 2 and 3, and the second Project tower will be developed in Phase 4;
  - 2. Each tower consists of a parking podium (floors 1 to 6) and a residential tower (floors 7 to 25); and
  - 3. The Project proposes to provide a total of up to 458 rental apartment units (at least 300 affordable rental units and up to 158 market-rate rental units).
- C. Adds a fourth WHEREAS clause to provide that the Project is eligible to receive consideration under the City's rules implementing HRS Section 201H-38, which require that at least 50 percent of a project's total units must be available to households earning at or below 80 percent of the AMI.
- D. In the sixth WHEREAS clause, provides that the Council has reviewed the preliminary plans and specifications for the Project dated June 2020 and July 2020, prepared by Architects Hawaii Limited and R.M. Towill Corporation, and submitted to the Council by the DPP on August 12, 2020, by D-552 (2020).
- E. Adds a ninth WHEREAS clause to provide that the Project does not contravene any safety standards, tariffs, or rates and fees approved by the Public Utilities Commission or the Board of Water Supply.

- F. In the BE IT RESOLVED clause:
  - 1. Clarifies that monetary estimates are based on 458 total Project units;
  - 2. Formats the exemptions to conform to the standard format for 201H resolutions.
  - 3. In Exemption 3, separates the density and height exemptions into new Exemptions 3 and 4;
  - 4. Renumbers the exemptions consecutively; and
  - 5. In renumbered Exemption 9, provides that the deferral of payment of wastewater system facility charges is until issuance of a certificate of occupancy for the Project (which conforms to the standard deferral provision for 201H projects).
- G. Adds a second BE IT FURTHER RESOLVED to provide that references to specific statutes, ordinances, or regulations include respective successor statutes, ordinances, or regulations.
- H. In the third BE IT FURTHER RESOLVED clause, deletes the deadline to obtain a development permit for the Project, and instead provides that the resolution is null and void unless construction of the Project commences no later than 24 months after the approval date of this resolution (which conforms to the standard deadline for 201H projects).
- I. In the fifth BE IT FURTHER RESOLVED clause, provides that the final plans and specifications for the Project constitute the zoning, building, and construction standards for the Project and are approved if those plans and specifications do not substantially deviate from the preliminary plans and specifications submitted to the Council.
- J. In the seventh BE IT FURTHER RESOLVED clause, deletes the provision authorizing Halawa View Housing Partners LP to execute the development agreement because the City has no authority over the Applicant.
- K. Makes miscellaneous technical and nonsubstantive amendments for purposes of formatting, grammar, clarity, and style.

Related communication:

D-552 (2020) Department of Planning and Permitting, submitting supplemental information left out of the previous Departmental Communication to Council, dated August 5, 2020.

4. **RESOLUTION 20-200 – OHANA HALE AFFORDABLE HOUSING PROJECT.**  
Amending Resolution 15-89, CD1, as amended by Resolution 17-92 and further amended by Resolution 19-76, to extend the deadline for commencement of construction of the Ohana Hale Affordable Housing Project at McCully, Honolulu, Hawaii, Tax Map Key 2-3-028: 004.
5. **BILL 42 (2020), CD1 – RELATING TO BUILDING PERMIT APPLICATIONS.**  
Requiring applicants for building permits for residential structures to attest that the construction complies with all restrictive covenants for the land on which the proposed work is to be done. (Bill passed Second Reading and Public Hearing held 7/8/20)

PROPOSED CD2 TO BILL 42 (2020), CD1 (Submitted by Councilmember Waters)  
– The CD2 (OCS2020-0723/7/29/2020 11:08 AM) makes the following amendments:

- A. Amends proposed new ROH Section 18-4.1(j) to:
  1. Clarify that the affidavit requirement applies to the construction of a one-family or two-family detached dwelling, duplex, or multifamily dwelling; and
  2. Exempt from the affidavit requirement applications for construction of new one-family or two-family detached dwellings, duplexes, or multifamily dwellings that are part of a residential tract development. Defines "residential tract development" as a project with three or more one-family or two-family detached dwellings or duplexes, or more than one multifamily dwelling, that is constructed or is to be constructed as a single development.
- B. Makes miscellaneous technical and nonsubstantive amendments.

6. **BILL 2 (2020) – LUO AMENDMENT RELATING TO OFF-STREET PARKING AND LOADING.** To comprehensively update the off-street parking and loading requirements in Chapter 21 of the Revised Ordinances of Honolulu 1990 (the Land Use Ordinance) (Bill passed First Reading 1/29/20; Committee postponed action 5/21/20; Current deadline for Council action 10/11/20)

PROPOSED CD1 TO BILL 2 (2020) (Submitted by Councilmember Fukunaga) – The CD1 (OCS2020-0565/6/10/2020 2:06 PM) makes the following amendments:

A. In SECTION 3 of the bill:

1. Amends Section 21-6.10(d) to add that the term “vehicle” refers to motor vehicles;
2. Amends Section 21-6.60 to change the title to “Electric vehicle charging stations,” restructure the section, and replace a blank date with the phrase “effective date of this ordinance” (when specifying existing standard-sized parking spaces constructed prior to a blank date);
3. Amends Section 21-6.80 to consistently refer to surface parking;
4. Amends Section 21-6.80(a)(2)(C) to provide that:
  - In residential districts located within transient-oriented development special districts, parking and loading may encroach into the required yards by up to three feet; and
  - In residential districts located outside of transient-oriented development special districts, parking and loading are permitted in the required yards.

(Instead of limiting the encroachment into the required yards to up to three feet in all residential districts.)

5. Amends Section 21-6.90 to consistently refer to structured parking.
- B. In SECTION 21 of the bill, directs the Revisor of Ordinances to replace the phrase “effective date of this ordinance” with the actual date on which the ordinance takes effect.
- C. Makes miscellaneous technical and nonsubstantive amendments for purposes of formatting, grammar, consistency, clarity, and style.



7. **BILL 48 (2020), CD1 – RELATING TO PERMITS REQUIRED.** Updating exemptions from the requirements for a building permit, by increasing the threshold from which repairs to existing buildings are exempted, by amending the exemption for satellite antennas to comply with the Telecommunications Act of 1996, by amending the exempted depth of an ornamental pond to the national standard, by adding additional exemptions from the requirements of a building permit and by other various amendments which are editorial and nontechnical. (Bill passed Second Reading and Public Hearing held 8/19/20)
8. **BILL 50 (2020), FD1 – RELATING TO SHORT-TERM RENTALS.** Delaying the effective date of SECTIONS 5, 6, 10, 11, 12, 17, and certain provisions in SECTIONS 9 and 13 of Ordinance 19-18. (Bill passed Second Reading and Public Hearing held 8/19/20)
9. **BILL 51 (2020) – LUO AMENDMENT RELATING TO GROUP LIVING FACILITIES.** Amending the Land Use Ordinance relating to group living facilities. (Bill passed Second Reading and Public Hearing held 8/19/20)

PROPOSED CD1 TO BILL 51 (2020) (Submitted by Councilmember Kobayashi)  
– The CD1 (OCS2020-0757/8/7/2020 8:00 AM) makes the following amendments:

- A. Revises ROH Section 21-5.290(a) to provide that the 1,000-foot distance requirement between group living facilities does not apply to:
  1. Multifamily dwellings that provide housing for students or staff of a post-secondary educational institution (instead of all educational institutions) with a total enrollment of 2,000 or more students (instead of 10,000 or more students), and are located in the apartment, apartment mixed use, or business mixed use zoning districts within a one-half-mile radius of the educational institution.
  2. An adult residential care home, a special treatment facility, or other similar facility monitored, registered, certified, or licensed by the State of Hawaii and having more than eight residents, not including resident managers or supervisors, that is located within a one-half-mile radius of a hospital.
  3. Group living facilities located within a transit-oriented development special district, or located within a one-half-mile radius of a planned rail transit station.
- B. Makes miscellaneous technical and nonsubstantive amendments.

10. **BILL 61 (2020) – RELATING TO AFFORDABLE HOUSING.** Exempting hotel developments from the affordable housing requirements established by Ordinance 18-10, which has been codified as Chapter 38, Revised Ordinances of Honolulu. (Bill passed First Reading 8/19/20)
11. **CC-215 (2020) – DRAFT COMMITTEE REPORT ON THE REVIEW AND EVALUATION OF THE OAHU HISTORIC PRESERVATION COMMISSION PURSUANT TO ORDINANCE 17-44.** The Committee will take action on a draft committee report making recommendations to the Council on whether the ordinance provisions establishing the Oahu Historic Preservation Commission should be retained, amended, or repealed.

Related communication:

Report submitted by the Department of Planning and Permitting pursuant to Ordinance 17-44, attached as Departmental Communication 160 (2020).

#### **INFORMATIONAL BRIEFING**

12. **UPDATE BY THE DEPARTMENT OF PLANNING AND PERMITTING REGARDING THE STATUS OF ALL PENDING LAND USE ORDINANCE AMENDMENTS, DEVELOPMENT PLANS AND SUSTAINABLE COMMUNITIES PLAN REVISION BILLS.**

RON MENOR, Chair  
Committee on Zoning, Planning  
and Housing